

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Eduardo Ramirez Coyotecalt, et al.,

Plaintiffs,

-against-

23RD & 9TH Restaurant Corp., et al.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 2/5/2024

1:23-cv-03614 (SDA)

**ORDER**

**STEWART D. AARON, United States Magistrate Judge:**

WHEREAS, on January 22, 2024, the parties filed a Proposed Stipulation and Order wherein the parties consented to Plaintiffs filing a Second Amended Complaint, adding Emanuel Boumakis (“Boumakis”) as a Defendant in accordance with the Court’s January 16, 2024 Order (Proposed Stipulation, ECF No. 49; Proposed Sec. Am. Compl., ECF No. 49-1; *see also* 1/16/24 Order, ECF No. 48); and

WHEREAS, on January 23, 2024, the Court entered the Proposed Stipulation and Order on the docket (1/23/24 Stipulation, ECF No. 50); and

WHEREAS, on January 23, 2024, the Court ordered Plaintiffs to file their Second Amended Complaint no later than January 26, 2024 (1/23/24 Order, ECF No. 51); and

WHEREAS, on January 23, 2024, Plaintiffs filed their Second Amended Complaint, adding Boumakis as a Defendant in accordance with the Court’s January 23, 2024 Order (Sec. Am. Compl., ECF No. 52; *see also* 1/23/24 Order); and

WHEREAS, on January 26, 2024, the Court ordered Plaintiffs to file a Request for Issuance of a Summons for Boumakis no later than February 2, 2024 (1/26/24 Order, ECF No. 53); and

WHEREAS, Plaintiffs failed to file a Request for Issuance of a Summons for Boumakis by February 2, 2024, despite the Court's January 26, 2024 Order.

NOW, THEREFORE, it is hereby **ORDERED**, as follows:

1. No later than Friday, February 9, 2024, Plaintiffs shall file a Request for Issuance of a Summons for Boumakis.
2. No later than Wednesday, February 28, 2024, the parties shall file a joint status report apprising the Court on the status of this case.
3. No later than thirty (30) days following the issuance of the Summons by the Clerk of Court, Plaintiffs shall serve the Summons upon Boumakis.
4. Failure to comply with this Order shall result in the imposition of sanctions.

**SO ORDERED.**

Dated: New York, New York  
February 5, 2024

A handwritten signature in black ink, appearing to read "Stewart D. Aaron", is written over a horizontal line.

STEWART D. AARON  
United States Magistrate Judge